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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,211	12/30/1998	JACK WASSOM	06975/033001	3985
26171	7590	07/15/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	419
DATE MAILED: 07/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/224,211

Applicant(s)

WASSOM ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 79-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/8/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 79, 81-89, 107 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent #5,835,087 (Herz et al).

- As for claims 79, 107: Herz et al (hereinafter Herz) teach a computer implemented method and corresponding system for tailoring a user interface favorites menu (abstract) for a user, comprising the steps/means for identifying desirable objects for each specific user based on the user's profile, generating a menu of the user's

desirable objects specific to each user (5:21-36, 6:1-60), thus a first user is provided with a first favorites menu related to a first content and configured to enable access to the first content by the first user's demographic characteristic, a second user is provided with a second favorites menu related to a second content and configured to enable access to the second content which differs from the first content, by the second user's demographic characteristic. Herz further discloses receiving an online identifier for a user (28:3-7, 30:42-46); accessing a demographic characteristic associated with the user in a database based on the online identifier for the user; based on the demographic characteristic associated with the user, automatically selecting a selected favorites menu from among a plurality of favorites menus that include the first and second favorites menu; and automatically making the selected favorites menu perceivable to the user (5:25-36, 67:34-40, 70:53-60).

- As for claim 81: The menus are links to contents from various remote sources (2:50-52, 2:8-28, 6:7-14, 58:26-56).
- As for claim 82: The remote sources include a network service provider (2:20-22).
- As for claim 83: The content includes e-mail (6:10-13, 61:60).
- As for claim 84: The content includes Internet content (6:10-13, 58:26-56).
- As for claim 85: The content includes chat session (73:10-37).
- As for claim 86: User demographic characteristics include maturity level of the user (4:55-56, 35:50-67, 37:55-60).

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- As for claim 87: The user demographic characteristics include child maturity level and the favorite menu enables access to child appropriate content (39:40-46, 48:19-26).
- As for claim 88: The user demographic characteristics include adult maturity level and the favorite menu enables access to adult appropriate content (39:40-46).
- As for claim 89: The user favorite menu is automatically generated and presented to the user (5:25-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,835,087 (Herz et al), in view of US patent #6,121,968 (Arcuri et al).

- As for claim 80: Herz fails to specifically teach that the menus are pull-down menus. However in the same field of invention, Arcuri et al (hereinafter) teach the pull-down menus customized to each individual user according to user's historical usage (Arcuri's 2:22-33, figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Arcuri's teaching of pull-down menus to Herz for displaying the user's favorites menu objects. Motivation of the combining is for the obvious advantage of reducing screen clustering.

6. Claims 90-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,835,087 (Herz et al), in view of US patent #6,232,972 (Arcuri et al).

- As for claims 90, 107, 108: Herz et al (hereinafter Herz) teach a computer implemented method and corresponding system for tailoring a user interface favorites menu (abstract) for a user, comprising the steps/means for identifying desirable objects for each specific user based on the user's profile, generating a menu of the user's desirable objects specific to each user (5:21-36, 6:1-60), thus a first user is provided with a first favorites menu related to a first content and configured to enable access to the first content by the first user's demographic characteristic, a second user is provided with a second favorites menu related to a second content and configured to enable access to the second content which differs from the first content, by the second user's demographic characteristic. Herz further discloses receiving an online identification for the user (28:3-7, 30:42-46); accessing a demographic characteristic associated with the user in a database based on the online identifier for the user; based on the demographic characteristic associated with the user, automatically selecting a selected favorites menu from among a plurality of favorites menus that include the first and second favorites menu; and automatically making the selected favorites menu perceivable to the user (5:25-36, 67:34-40, 70:53-60). Herz teaches grouping the menus into clusters (5:30-36, 70:53-60), however fails to teach that the menu of user desirable objects are displayed in a toolbar. However in the same field of invention, Arcuri et al teach the toolbar having tool items customized to each

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individual user according to user's historical usage (Arcuri's abstract, figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Arcuri's teaching of the customized toolbar to Herz for displaying the user's favorites menu objects in a toolbar. Motivation of the combining is for organizing a display screen by grouping the favorite items into a tool interface.

- As for claim 91: The toolbar includes a pull-down menu (Arcuri's figure 2c).
- As for claim 92: Each tool icon is a graphical button (Arcuri's figure 2c).
- As for claim 93: The menus are links to contents from various remote sources (Herz's 2:50-52, 2:8-28, 6:7-14, 58:26-56).
- As for claim 94: The remote sources include a network service provider (Herz's 2:20-22).
- As for claim 95: The content includes e-mail (Herz's 6:10-13, 61:60).
- As for claim 96: The content includes Internet content (Herz's 6:10-13, 58:26-56).
- As for claim 97: The content includes chat session (Herz's 73:10-37).
- As for claim 98: User demographic characteristics include maturity level of the user (Herz's 4:55-56, 35:50-67, 37:55-60).
- As for claim 99: The user demographic characteristics include child maturity level and the favorite menu enables access to child appropriate content (Herz's 39:40-46, 48:19-26).
- As for claim 100: The user demographic characteristics include adult maturity level and the favorite menu enables access to adult appropriate content (Herz's 39:40-46).

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- As for claim 101: The existing collection of user interface controls on the toolbar is changed (Herz's 5:25-30; Arcuri's 2:59-62).
- As for claims 102-104: Changing the existing user interface controls on the toolbar include adding, removing, and/or replacing of user interface controls (Herz's 5:25-30, 68:26-63; Arcuri's 2:59-62, 3:12-20)
- As for claim 106: The user favorite menu is automatically generated and presented to the user (5:25-36).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh

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Primary Examiner

AU 2179

7/12/05


BA HUYNH
PRIMARY EXAMINER